



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Ms. Carin Ingeborg
Merrill Farm Resort
PO Box 2070
Conway, New Hampshire 03818

LETTER OF DEFICIENCY
WMB PBF 04-01
February 18, 2004

Dear Ms. Ingeborg:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 2, 2004, DES inspected the following public bathing facilities at the Merrill Farm Resort in Conway, NH: the indoor spa ("Indoor Spa") and the outdoor spa ("Outdoor Spa").

During this inspection, the following deficiencies were noted:

Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Indoor Spa water was approximately 16.2 mg/L on February 2, 2004.

2. Pursuant to Env-Ws 1103.16(g), the clarity of the spa water shall be such that the spa bottom is clearly visible when the water is calm. The main drain / bottom of the Outdoor Spa was not visible on February 2, 2004. A recommendation to drain and clean the Outdoor Spa was issued on February 2, 2004.
3. Pursuant to Env-Ws 1103.16(a), disinfection of spa water shall be achieved by continuous feed equipment. The Indoor Spa is currently being disinfected by hand feeding. The Outdoor Spa is currently being disinfected by hand feeding.
4. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Outdoor Spa did not include a flow meter.
5. Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds. DES does not have any record of design approval for the Outdoor Spa located at the Merrill Farm Resort, in Conway, NH.

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. The type, manufacture, and model of the disinfectant feeders to be installed.
2. The type, manufacture, and model of the flow meter to be installed.
3. A completed application for the unapproved Outdoor Spa.

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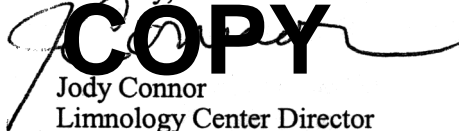
4. A timetable of when:

- a. the installation of the disinfectant feeders will be completed (for both the Outdoor and Indoor Spas); and
- b. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,


Jody Connor
Limnology Center Director

Enclosure

cc: Mark Harbaugh, Enforcement Attorney, DES ✓
Amy Wilson, Public Bathing Facility Coordinator, DES
Kenneth Kiesman, Health Officer, Town of Conway

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